



Benedict P. Morelli  
bmorelli@morellilaw.com

9/16/2015

**VIA FEDERAL EXPRESS**

David Brewer  
Chief Professional Tennis Officer &  
US Open Tournament Director  
United States Tennis Association  
70 West Red Oak Lane  
White Plains, NY 10604

Re: Letter of Representation & Demand to Preserve Evidence

Dear Mr. Brewer,

We have been retained by Eugenie Bouchard to represent her for her claims against the United States Tennis Association, USTA National Tennis Center, and any other potentially responsible entities. Ms. Bouchard's claims arise out of an incident that occurred at the US Open Tennis Championships on the evening of September 4, 2015, when Ms. Bouchard was caused to slip and fall in the physiotherapy room, attendant to the women's locker room following her match. As a result, Ms. Bouchard sustained a severe head injury and was forced to retire from the 2015 US Open. At the time of her accident, Ms. Bouchard was still in contention for the championships in the women's singles, women's doubles and mixed doubles events. By being forced to withdraw from all of these events, Ms. Bouchard sustained serious economic injuries, which included forfeiting potentially millions of dollars in prize money, substantial sponsorship bonuses and future marketing opportunities. Further, there is no timetable on when Ms. Bouchard will be able to return to competition.

**Morelli Ratner Law Firm, PLLC**

777 Third Avenue, 31st Floor  
New York, New York 10017

Tel: (212) 751-9800 Fax: (212) 751-0046 Toll Free: (877) 751-9800

**www.morellilaw.com**

In anticipation of a potential lawsuit, we demand that you preserve all evidence relating to this incident, including, but not limited to, any security camera footage of the locker room and surrounding areas, employee login or time records, cleaning and maintenance records, incident reports relating to the accident, witness accounts, or any other electronically stored information or tangible documents that would indicate the events in the locker room that evening, the people who were present (players, employees, independent contractors), any investigation regarding this particular incident, and any e-mail or other communications pertaining to this incident. Please cease any routine data destruction policies in place, and preserve all requested evidence in anticipation of litigation. Failure to preserve such evidence will constitute spoliation, and we will not hesitate to seek all available sanctions from the Court once litigation commences.

I suggest that you contact me immediately to discuss the incident referenced herein before we commence a lawsuit on Ms. Bouchard's behalf.

Thank you for your anticipated cooperation.

Very Truly Yours,

Benedict P. Morelli

Cc: Gordon Smith  
Executive Director & Chief Operating Officer, USTA

Craig Isaacs  
General Counsel, USTA National Tennis Center &  
Senior Counsel, Professional Tennis

Andrea Hirsch  
Chief Administrative Officer & General Counsel, USTA